

MEMORANDUM

Subject: Supplemental Guidance for Implementation  
of Farmland Protection Policy Act

From: Director, Office of Environmental Policy  
Washington, D.C. 20590

To: Regional Federal Highway Administrators,  
Regions 1-10, and Direct Federal Program Administrator

Date: January 23, 1985

Reply to  
Attn. of: HEV-11

Guidance for implementation of the Farmland Protection Policy Act (FPPA) was issued by this office on August 7 and supplemented on October 26, 1984. Early experience in implementing the requirements has identified two areas where additional guidance is necessary and is being provided below. This supplemental guidance has been coordinated with the Soil Conservation Service (SCS).

1. There have been a number of instances where SCS field offices were unable to provide the land evaluation data or provided no information at all when Form AD 1006, Farmland Conversion Impact Rating, was submitted for their action. In accordance with the SCS regulation implementing the FPPA, the SCS must provide a complete response to Form AD 1006 within 45 calendar days, of its receipt. Where the SCS fails to provide the necessary information within 45 days, the proposed project can proceed as though the FPPA requirements did not apply. However, in these cases it is still necessary to consider impacts to farmland in order to comply with NEPA requirements. The project environmental document should identify the farmland impacts and mitigation measures and summarize the coordination undertaken with the SCS. The environmental document should also include a statement that (1) the SCS failed to provide the land evaluation information within 45 days, and (2) therefore, in accordance with the SCS regulation (7 CFR 658.4(a)), the FPPA does not apply.
2. In an attempt to further reduce unnecessary paperwork, the SCS advises that Form AD 1006 need not be submitted to the SCS in cases where the site assessment criteria (Part VI) score is less than 60 points for each project alternative. The rationale is based on its regulation (7 CFR 658.4(c)(2)) which provides that "Sites

receiving a total score of less than 160 points be given a minimal level of consideration for protection and no additional sites be evaluated." The maximum score that can be assigned to the land evaluation (Part V) is 100 points. Therefore, where the site assessment (Part VI) is less than 60 points, the total score (Parts V and VI) would always be less than 160 points. The SCS agrees that where all project alternatives are scored less than 160 points there is little or no benefit to be derived from submitting Form AD 1006 to its field offices for coordination. To document compliance with the SCS regulation, the State highway agency need only complete Parts I, III, V (assign 100 points), and VI and place the completed form in the project files. The project environmental document should summarize the steps taken to identify and evaluate farmland impacts and comply with the FPPA.

Item 2 above also applies to the processing of Form AD 1006 when a State or local Land Evaluation and Site Assessment (LESA) system is used to complete Part VI. Therefore, item 4 of our October 26 guidance is revised to require forwarding of Form AD 1006 to the SCS only when the value for Part VI exceeds 59.

/Original Signed By/

Ali F. Sevin